IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.5408 OF 2004

Mr.Dattatraya K. Pasalkar .. Petitioner

versus

Shri Prabhakar B. Kadam .. Respondent

...

Mr.N.V. Vechalekar for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 31st August 2004

P.C:-

1. In this petition by the landlord, the only ground pressed for possession is that the respondent tenant has made permanent alterations in the suit premises. Two permanent alterations are alleged to have been made. First, the change of door and second is the change of flooring of the premises. The Courts below have concurrently held against the petitioner.

2. I see no reason to interfere in a concurrent finding of fact that the alterations do not amount to a permanent construction.

3. Hence, petition rejected.

D.G. KARNIK, J